

Before the
FEDERAL COMMUNICATIONS COMMISSION
 WASHINGTON, D.C. 20554

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In the Matter of)

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

Amendment of Parts 2 and 25 to
 Implement the Global Mobile Personal
 Communications by Satellite (GMPCS)
 Memorandum of Understanding and
 Arrangements)

1B Docket No. 99-67

ORIGINAL

Petition of National Telecommunications
 and Information Administration to Amend
 Part 25 of the Commission's Rules to
 Establish Emission Limits for Mobile and
 Portable Earth Stations Operating in the
 1610-1660.5 MHz Band)

RM No. 9165

PETITION FOR RECONSIDERATION

Inmarsat Ventures plc ("Inmarsat") hereby files this Petition for Reconsideration of the **Order** in the above-captioned proceeding in which the Commission has adopted out-of-bound e.i.r.p. emission limitations on mobile earth stations, except as to Standard Inmarsat-A terminals used as Global Maritime Distress and Safety System ship earth stations.¹ For the reasons stated below, Inmarsat requests that the exemption for Inmarsat-A terminals be extended to Inmarsat-B terminals

BACKGROUND

As the Commission is aware, Inmarsat is the owner and operator of a geostationary orbit MSS system that offers satellite communications services that cover almost the entire globe and provide priority for instant distress and safety communications, among other

¹ *In the Matter of Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements*, Report and Order and Further Notice of Proposed Rulemaking (rel. May 14, 2002) (the "**Order**").

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services. Inmarsat's network serves a variety of users at sea, including the United States Navy, the United States Coast Guard, merchant vessels, passenger ships, fishing fleets and oil drilling platforms.

Reliable satellite communications to ships commenced in 1976 with Comsat's Marisat system. Using the Marisat system, with some modifications, and leased space segment capacity from the European Space Agency and Intelsat, Inmarsat started operations in 1982 providing maritime communications, including safety services. After changes to the Safety of Life at Sea ("SOLAS") Convention in 1988, the Global Maritime Distress and Safety System ("GMDSS") commenced in February 1992 and marked the beginning of a transition from a terrestrially based system for ships in distress at sea to one based mainly on satellite communications. Where, under the old system, ships primarily sought help from other ships in the area, under GMDSS, maritime vessels are able to use a satellite link to contact shore-based search and rescue authorities much more quickly and reliably than before.

Certain Inmarsat service offerings are recognized by the International Maritime Organization ("IMO") as being qualified to be used as part of the GMDSS. Any satellite system is able to provide satellite communications services for GMDSS if it complies with the stringent IMO standards, but Inmarsat is the only satellite system that is currently so qualified. The SOLAS Convention of 1974 (as amended from time to time), to which the United States is a signatory, requires all cargo ships of 300 tons gross *or* more, and all passenger ship traversing international waters, to maintain an Inmarsat terminal on board. Specifically the SOLAS Convention *provides* that "[t]his requirement can be met by Inmarsat ship earth stations capable of two-way communications, such as Inmarsat-A, Inmarsat-B (resolution A.808(19)) or

Inmarsat-C (resolution A.807(19)) ship earth stations.”⁴ The terminals can be used to send or receive hydrographic, meteorological, and maritime safety information messages to and from shore-based facilities, as well as public correspondence.

In its comments in this proceeding, Inmarsat provided the Commission with test results on its Inmarsat-B and Inmarsat-C terminals with respect to the terminals meeting the out-of-bound e.i.r.p. limits proposed by the Commission. Based on its tests, Inmarsat found that the Inmarsat-C terminals would comply with the proposed “-70/-80” limits and Inmarsat-B terminals made by two of the three manufacturers used by Inmarsat would similarly comply.’ Inmarsat-B terminals produced by one of the manufacturers would exceed the limit only above 1604.5 MHz and then only by about 3dB.⁴ Inmarsat further stated that the Inmarsat-A terminals “would be expected to be similar to Inmarsat-B since the latter uses the same antenna/r.f. and above-decks system, with the main change being to the modulation (analog to digital) and this only has an impact close to the transmit band.”

In the *Order*, the Commission recognized that “many cargo and passenger ships docking in the U.S seaports, including foreign-flagged vessels, carry Inmarsat Standard A terminals to comply with the [GMDSS] requirements of the [SOLAS] Convention.” And in order to “avoid potential disruption of maritime safety services,” the Commission decided not to set a specific deadline by which Inmarsat-A terminals needed to comply with its new e.i.r.p.

IMO Safety of Life at Sea Convention, Chapter IV, Regulation 8 ¶ 1.5.1 n.*

See Comments of Inmarsat Ltd., JB Docket No. 99-67 at 7 (filed June 21, 1999) (“Inmarsat Comments”).

⁴ *See id.*

⁵ *Id.*

⁶ *Order* at ¶ 47

limits.’ Instead, the Commission requested comments on what an appropriate compliance deadline for Inmarsat-A terminals should be.⁸

DISCUSSION

There is no reason for Inmarsat-B terminals to be treated in a different manner than Inmarsat-A terminals. Inmarsat urges the Commission to modify the *Order* to except Inmarsat-B terminals from its final compliance deadline as it did Inmarsat-A terminals.

Inmarsat-B was designed as the replacement model for Inmarsat-A and serve the same maritime market. Currently there are over 11,500 Inmarsat-B maritime terminals in use on ships around the world. In fact, it is the primary type of Inmarsat terminal currently used by both the U.S. Navy and U.S. Coast Guard. The maritime Inmarsat-B terminals are designed for GMDSS use and provide vital safety capabilities for ships at sea including, (i) distress alerting – both ship-to-shore and shore-to-ship, (ii) search and rescue communications, (iii) on-scene communications, (iv) transmission of Maritime Safety Information, and (v) general communications for the GMDSS. Both Inmarsat-A and B terminals are vital to the operation of GMDSS and relied upon by thousands of ships for safety purposes and to meet their obligations under the SOLAS Convention.

As with Inmarsat-A, the difficulty of determining which terminals are non-compliant and recalling or retrofitting those terminals would be tremendous if not insurmountable. As stated above, only those Inmarsat-B terminals produced by one of Inmarsat’s manufacturers are likely non-compliant with the Commission’s new standards and even *then only* under limited circumstances. Thousands of ship owners would need to be

Id.

⁸ See *Id.* at ¶¶ 47 and 87. Inmarsat will provide comments on this issue on the timetable set forth in the Federal Register. See Federal Register, Vol. 67, No. 192 (October 3, 2002) (“Further NPRM”).

informed of the Commission's standards, agree to have their equipment tested for compliance and then replace or retrofit terminals that were non-compliant. This would be an enormous and time consuming task that would require the cooperation and coordination of Inmarsat, its terminal manufacturers and each of the various ship owners and operators. If the general compliance deadlines were imposed on Inmarsat-B terminals, the Commission would cause the very "disruption of maritime safety services" that it sought to avoid by exempting Inmarsat-A terminals.

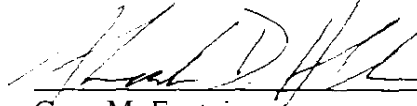
CONCLUSION

Both Inmarsat-A and Inmarsat-B terminals provide vital GMDSS services for ships at sea, including the U.S. Navy and U.S. Coast Guard, and, for all relevant purposes, are functionally equivalent terminals. Because the replacement or retrofitting of the Inmarsat-B terminals would be onerous and cause similar problems as the replacement or retrofitting of

⁹ *Order at ¶ 47.*

Inmarsat-A terminals, Inmarsat urges the Commission to exempt both types of terminals from the compliance deadline mandated in **the Order.**"

Respectfully submitted,



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¹⁰ **As** requested by the Commission, Inmarsat will address what compliance deadline should be established for Inmarsat-A and Inmarsat-B terminals in its comments to the Further NPRM.